

DELEGATIONS OF AUTHORITY
Administrative Control of Funds

Authorities Delegated

1. To administer an allotment of funds for the purpose appropriated, inclusive of the following responsibilities:
a) conforming to any limitations included in the allotment and applying the limitations of the Appropriation Act and other governing law; b) complying with the antideficiency statute; and, c) ensuring that a check for funds availability is made prior to initiating any action to obligate the funds.

To Whom Delegated

Area of Authority

Deputy Director, NIH

OD, NIH

IC Directors/Deputy Directors

Respective Area

2. To approve the use of prior year funds based on availability criteria, inclusive of ensuring applicable signed documentation prior to initiating any action to obligate the funds.

To Whom Delegated

Area of Authority

Deputy Director, NIH

OD, NIH

Director, Office of Financial
Management

NIH

IC Directors/Deputy Directors/
Executive Officers

Respective Area

OD Executive Officer

OD, NIH

Limitations/Guidance - Specific Prohibitions

The following prohibitions are contained in 31 U.S.C. 1341(a):

1. No officer or employee of the United States Government may:
 - (a) make or authorize an expenditure or obligation exceeding an amount available in an appropriation or fund for the expenditure or obligation;

DELEGATIONS OF AUTHORITY
Administrative Control of Funds

- (b) involve the Government in any contract or other obligation, for the payment of money before an appropriation is made, unless authorized by law;
 - (c) make or authorize an expenditure or obligation of funds required to be sequestered under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985; or
 - (d) involve the Government in a contract or obligation for the payment of money required to be sequestered under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.
2. Any violation of the above prohibitions will result in a written report being furnished to the Director, NIH, and the Assistant Secretary for Management and Budget, DHHS. An employee who violates these prohibitions is subject to appropriate administrative discipline including, when circumstances warrant, suspension from duty without pay or removal from office. An employee who knowingly and willfully violates these prohibitions is subject to a fine of not more than \$5,000 and imprisonment for not more than two years or both.

Limitations/Guidance - General

- 1. Allotments are made at the highest practicable level within fund availability authorized by Continuing Resolutions, Appropriation Acts and fund limitations contained therein, apportionment schedules, and Section 601 of the Economy Act.
- 2. Each allottee has both statutory responsibility for compliance with 31 U.S.C. 1341(a), and high level managerial responsibilities with respect to the activities carried on pursuant to the purposes of the appropriations.
- 3. Officials approving current and prior year obligations must maintain documentation to support those approvals for a period of six years and three months from the end of the fiscal year current during which the funds were approved.

DELEGATIONS OF AUTHORITY
Administrative Control of Funds

4. The National Institutes of Health's Central Accounting System is the official system of record for use in determining availability of funds.
5. Within the Office of the Director Appropriation, NIH, the authorities are inclusive of the Service and Supply Fund and the Management Fund.
6. The authorities delegated above must be exercised in accordance with all applicable statutes and regulations, and DHHS and NIH policies.
7. All previous delegations of authority inconsistent with the provisions of this delegation are superseded.

Redelegation

1. These authorities may be redelegated. However, they should be retained at the highest administrative level necessary to ensure that programs are conducted effectively by the appropriate officials, without compromising integrity, and without undue delay.
2. All redelegations must be in writing. A copy of the redelegation must be retained by the official making the delegation and by the incumbent of the position to whom the delegation is made. A copy of the redelegation must also be sent to the respective administrative office.

Citations

1. 5 U.S.C. 302; 42 U.S.C. 203; 31 U.S.C. 1301 et seq.; 31 U.S.C. 1501 et seq.
2. The Economy Act, Section 601
3. The Balanced Budget and Emergency Deficit Control Act of 1985, Section 252
4. Title 2, GAO Policy and Procedure Manual
5. DHHS Accounting Manual Chapter 2-10
6. OMB Circular A-34

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4

DELEGATIONS OF AUTHORITY
Administrative Control of Funds

7. Memorandum to the Director, NIH from the Assistant Secretary for Health, PHS, dated April 13, 1983, entitled: "Delegation of Authority Under Title V of the Public Health Service Act"
8. Memorandum to PHS Agency Heads from the Assistant Secretary for Health, dated July 6, 1983, entitled: "Redesignation of Title V of the PHS Act to Title XXI"
9. GSA Federal Management Circular on Fund Control, FMC 74-9, November 22, 1974
10. NIH Accounting Manual, Chapter 1912, "Administrative Control of Funds"
11. Secretary's Reorganization Order of September 25, 1995 (60 FR 51480 (October 2, 1995))

Ruth L. Kirschstein, M.D.
Acting Director, NIH

Effective Date: January 2, 2001